2-751164 UNITED STATES DISTRICT OF NEW YORK

Document 1 Filed 05/09/2007 Page

ZIM AMERICAN INTEGRATED SHIPPING SERVICES, INC.,

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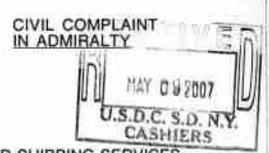
Plaintiff,

- against -

SUNBELT MACHINERY, INC.,

upon information and belief:

Defendant.



Plaintiff ZIM AMERICAN INTEGRATED SHIPPING SERVICES, INC., by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant SUNBELT MACHINERY, INC., in personam, in a cause of action civil and maritime, alleges

- This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq., and Paragraph 24 of the Bill of Lading.
- At all times hereinafter mentioned, plaintiff ZIM INTEGRATED SHIPPING SERVICES, INC. was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 5801 Lake Wright Drive, Norfolk, VA 23502.
- Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.
- 4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's public tariff.

- Thereafter, the said goods were transported to the ports of destination and delivered to the consignee and/or its agents.
- Plaintiff has duly performed all duties and obligations required to be performed by plaintiff.
- Defendant has failed and refused and continues to fail and to refuse to remit the \$24,454.00 due, although duly demanded.
- By reason of the foregoing, plaintiff has sustained damages in the amount of \$24,454.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

- For judgment in the amount of plaintiff's damages, together with interest thereon from the respective dates due, costs, disbursements, and a reasonable attorney's fee.
- That process in due form of law according to the practice of this
 Court in cases of admiralty and maritime jurisdiction may issue against the defendant
 citing it to appear and answer all the singular matters aforesaid.
- That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York MAY 9, 2007

> LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES

By

Albert & Avallone - AA1679

Attorneys for Plaintiff

ZIM AMERICAN INTEGRATED SHIPPING SERVICES, INC. 551 Fifth Avenue, Suite 1625 New York, NY 10176

(212) 696-1760

SCHEDULE A

Defendant's status & address:

A. Upon information and belief and at all times hereinafter mentioned, defendant SUNBELT MACHINERY, INC. was and still is a corporation organized and existing under the laws of the State of Georgia, with offices and a place of business at 4345 Granby Way, Marietta. GA 30062-8150, with an agent for service of process, Dudley D. Benson, President, at the corporate address.

II. Particulars:

1. Bifl of Lading No. SSPHORF5758, dated October 2, 2006, from Savannah to Dubai on the Vessel CALIFORNIA, two (2) forty-foot FLATRACKS, three (3) forty-foot Hi-Cube Containers, four (4) forty-foot Open Top Containers, and one (1) twenty-foot Flat Rack SAID TO CONTAIN: MACHINERY, at the applicable tariff charge of \$19,816.00 (Exhibit A). Upon audit, this amount was increased to \$44,270.00 and as per Freight Corrector CRORF064877 (Exhibit B – 2 pages).

Amount Paid: \$19,718.00 Amount Due: \$24,454.00

! III. Total Amount Due: \$24,454.00.

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